order of dismissal which was entered in the case reported in the preceding notice of judgment, No. 3848.

3850. Misbranding of pentobarbital sodium capsules and Seconal Sodium capsules. U. S. v. Harry W. Anderson, Willie P. Norvell, and John P. Asbill. Pleas of nolo contendere. Each defendant placed on probation for 2 years and fined $50. (F. D. C. No. 32696. Sample Nos. 1325–L, 1331–L, 1333–L, 1335–L, 1336–L, 1423–L, 1514–L, 1517–L, 1841–L.)

INFORMATION FILED: June 20, 1952, Southern District of Georgia, against Harry W. Anderson and Willie P. Norvell, pharmacists and partners in the partnership of the Lake View Pharmacy, Augusta, Ga., and John P. Asbill, a pharmacist employed by the partnership.

ALLEGED VIOLATION: On or about May 7, 15, 16, 21, 28, and 30, and June 4, 1951, while a number of *pentobarbital sodium capsules* and *Seconal Sodium capsules* were being held for sale at the Lake View Pharmacy after shipment in interstate commerce, various quantities of the drugs were repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

Harry W. Anderson was charged with causing the dispensing of the drugs involved in three counts of the information, Willie P. Norvell with causing the dispensing of the drugs involved in four counts of the information, and John P. Asbill with causing the dispensing of the drug involved in the remaining two counts of the information.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the drugs contained chemical derivatives of barbituric acid, which derivatives have been found to be, and by regulations designated as, habit forming; and when repackaged their labels failed to bear the name, and quantity or proportion of each derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

DISPOSITION: December 1, 1952. Pleas of nolo contendere having been entered, the court placed each defendant on probation for 2 years and fined each $50.

3851. Misbranding of pentobarbital sodium capsules and sulfathiazole tablets. U. S. v. Willard H. Quigley (Edward Drug Store), Frank Coll, and Charles Kemper. Pleas of nolo contendere. Fine of $1,000, plus costs, against Defendant Quigley; $500 against Defendant Coll; and $500 against Defendant Kemper. (F. D. C. No. 30591. Sample Nos. 70184–K, 70193–K.)

INFORMATION FILED: July 31, 1951, District of Nebraska, against Willard H. Quigley, trading as the Edward Drug Store, Omaha, Nebr., and against Frank Coll, an employee, and Charles Kemper, a pharmacist, at the store. An amended information was filed on January 17, 1952.

ALLEGED VIOLATION: On or about July 14 and 20, 1950, while a number of *pentobarbital sodium capsules* and *sulfathiazole tablets* were being held for sale at the Edward Drug Store after shipment in interstate commerce, a quantity of the capsules and tablets were repacked and disposed of without a prescription issued by a physician in his professional practice, which acts resulted in the repackaged drugs being misbranded.

Defendants Quigley and Kemper were charged with causing the repacking and disposal of the *pentobarbital sodium capsules*, and Defendants Quigley and Coll were charged with causing the repacking and disposal of the *sulfathiazole tablets*.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (b) (1), the repackaged *pentobarbital sodium capsules* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor.

Further misbranding, Section 502 (d), the repackaged *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *sulfathiazole tablets* failed to bear a label containing the common or usual name of the drug; and Section 502 (f) (2), the repackaged *sulfathiazole tablets* failed to bear adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: Motions for a bill of particulars and for dismissal of the information were filed on behalf of the defendants and subsequently were overruled by the court. Thereafter, the defendants entered pleas of nolo contendere, and on October 30, 1952, the court imposed a fine of $1,000, plus costs, against Defendant Quigley, a fine of $500 against Defendant Coll, and a fine of $500 against Defendant Kemper.

3852. Misbranding of Combisul tablets, Pentresamide tablets, and Seconal Sodium capsules. U. S. v. Riverhead Drug Co., Inc., and Edward A. Schwartz. Pleas of guilty. Fine of $250 against corporation and $750 against Defendant Schwartz. Individual defendant placed on probation for 1 year. (F. D. C. No. 31302. Sample Nos. 91993-K, 24571-L to 24573-L, incl., 24576-L.)

INFORMATION FILED: September 10, 1952, Eastern District of New York, against Riverhead Drug Co., Inc., Riverhead, L. I., N. Y., and Edward A. Schwartz, president and treasurer of the corporation.

ALLEGED VIOLATION: On or about November 14, 1950, and January 16, 21, and 26, 1951, while a number of *Combisul tablets*, *Pentresamide tablets*, and *Seconal Sodium capsules* were being held for sale at the Riverhead Drug Co., Inc., after shipment in interstate commerce, Riverhead Drug Co., Inc., and Edward A. Schwartz caused various quantities of the drugs to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Sections 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.